FOR THE D	ISTRICT OF NEW JERSEY
WYETH, Plaintiff,)
v.)) Civil Action No.: 03-1293 (WJM)
TEVA PHARMACEUTICALS USA, IN TEVA PHARMACEUTICAL INDUSTR	· ·
Defendants	.))

UNITED STATES DISTRICT COURT

DISMISSAL ORDER

As a result of the parties having executed the Settlement and Release Agreement dated November 2, 2005 and the License Agreement (as defined in the Settlement and Release Agreement), the Court hereby Orders:

- 1) Until the expiration of United States Patent Nos. 6,274,171 B1; 6,403,120 B1; and 6,419,958 B2; or the termination of the License Agreement, Defendants shall not make, use, sell, offer for sale, or import XR Product, as that term is defined in the License Agreement, for use in the Territory, except as licensed under the License Agreement.
- 2) Defendants' Counterclaim(s) of patent invalidity and unenforceability are dismissed with prejudice. Defendants' Counterclaim(s) of non-infringement are dismissed without prejudice.
- 3) The Settlement and Release Agreement and the License Agreement entered into between the parties, which have been filed with this Court under seal, are adopted by the Court as part of this Order.
- 4) This Court retains jurisdiction to enforce this Order and the parties' Settlement and Release Agreement and License Agreement.

William J. Martini, U.S.D.J.

SO ORDERED.